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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of Armenia

Addendum

Information received from Armenia on follow-up to the concluding observations*

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* The present document is being issued without formal editing.

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Follow up information on the implementation of the recommendations included in paragraphs 12 and 32 of the Concluding observations on the national report of Armenia for the United Nations Committee on the Rights of Persons with disabilities

1. The protection of the rights and interests of children, who faced a difficult life situation, is one of the priorities of the policy conducted in the sphere of child protection. Moreover, the main objective in this sphere is the implementation of the right of a child to live in a family, including through provision of relevant social guarantees.

2. Legislative amendments have been made, which are mainly aimed at fulfilling the obligations prescribed by the UN Convention on the Rights of the Child, Convention on the Rights of Persons with Disabilities, the European Social Charter (Revised) and other international documents of the Republic of Armenia.

3. Specifically, for the purpose of de-institutionalisation (organisation of child care in family environment) of children (including children with disabilities), the Government approved, by Protocol Decision No 30 of 13 July 2017, the Strategic Programme for 2017–2021 for the protection of rights of children in the Republic of Armenia, the main priorities of which are the improvement of the system of protection of the rights of a child, integration of children with disabilities into the society, equally accessible, inclusive and quality education, as well as ensuring extensive safety of learners in educational institutions, early detection of minors, who committed an offence, were subjected to violence and demonstrated antisocial behaviour, prevention of cases of violence, the insurance of the right of a child to live in family.

4. Specialised foster family was prescribed as a special type of foster care in the Law of the Republic of Armenia "On amendments and supplements to the Family Code of the Republic of Armenia" adopted by the National Assembly of the Republic of Armenia on 21 December 2017. It has been envisaged as a form of organising child care for children with disabilities, serious health problems, troubled children, those with mental or behavioural disorders, children who underwent deep stress (traumatised children), as well as minor mothers and their children. Specialised foster family may also provide short-term care. The short-term foster care is considered to be a transitional stage during which the further form of the care of a child, the periods and conditions thereof will be determined. It is appointed for a period of up to one month, with a possibility of extension for another month, where necessary. Specialised foster care also includes special post-care support provided by the state after the attainment of the age of 18. AMD 152,828.4 thousand has been envisaged by the 2018 State Budget of the Republic of Armenia for the organisation of the care of 94 children in 90 foster families (previously 25 children).

5. Steps are also being taken for returning the children placed in 24-hour care centres to families (for providing care and upbringing in family).

6. Moreover, it should be considered that these families are, as a rule, in a risk zone, and the returning of children to a family without the provision of relevant services does not proceed from the interests of a child and may negatively affect nim or her.

7. Accordingly, steps are being taken for providing alternative services to these families, this also being of a preventive significance.

8. In particular, as a result of re-organisation of 24-hour facilities of the Ministry system in 2016-2017, two centres of child and family support have been established in the city of Yerevan and Syunik Marz of the Republic of Armenia. These centres provide specialised services to the children facing a difficult life situation, including those with disabilities. The multi-professional team of the centres includes a rehabilitation therapist (physiotherapist), kinesitherapist, art therapist, ergotherapist, a special group of pedagogues, as well as psychologists, social workers and social pedagogues.

9. One of the priority issues of the Government of the Republic of Armenia for 2018 is the re-organisation of the other 5 care and protection boarding facilities operating under the Ministry, which are also to be reorganise into child and family support centres, thereby expanding the coverage of alternative services.

10. At the same time, the system of provision of integrated social services is being introduced in the Republic of Armenia within the framework of which the assessment of the needs of children facing difficult life situations (those with disabilities) is carried out. Moreover, the need assessment is carried out within the family, this enabling to accurately "diagnose" the issue and provide more targeted services.

11. As of 1 January 2018, 3471 families, which include children having disabilities, are registered in the system of assessment of family insecurity for receiving social assistance. 3156 out of these families receive family benefit. 3299 children with disabilities are registered in the families receiving benefit.

12. It should be noted that the "Early detection of development disorders of a child and early intervention" project — the objective of which is to contribute to the early detection of children having mental retardation, early intervention and their integration through the cooperated involvement of the spheres of education, healthcare and social protection—was implemented by UNICEF and "Arabkir" United Children's Charity Foundation in Tavush and Lori Marzes of the Republic of Armenia and Malatia-Sebastia administrative district of the city of Yerevan in 2014–2017.

13. It should also be noted that the 2013–2017 Action Plan for the implementation of the Concept Paper on the provision of alternative services of care and social support to persons with mental health problems was approved by the Protocol Decision of the Government of the Republic of Armenia No 36 of 13 September 2013.

14. According to the Plan, for the purpose of gradually reducing the large number of persons in care facilities, it is envisaged to make a transition to the provision of care services in small community houses (in conditions closer to family environment), as well as expand the alternative services.

15. It is envisaged by the Plan to establish — until 2017 — 24-hour care houses for persons having mental health problems in two communities of the Republic as an alternative to the Vardenis psycho-neurologic boarding house. For the implementation of the mentioned action, the community care home for persons having mental health problems (with the capacity of 16 people) has started operating in the city of Spitak since 2016.

16. At the same time, the group home of "Jermik Ankyun" [Warm Hearth] Foundation for 15 young people with mental problems has been operating in Yerevan since 2008. The Foundation plans to open another group home in Yerevan in May 2018.

17. State support from the 2018 State Budget of the Republic of Armenia is allocated to Spitak care home and "Jermik Ankyun" group home.

18. It is envisaged by the Plan to establish day-care community centres for people with mental health problems and continuously build the capacities of operating day-care centres.

19. At the same time, it is planned to delegate, within the framework of public-private cooperation, separate services to non-governmental organisations, which will, on the one hand, improve the cost-effectiveness, and, on the other hand, contribute to the capacity building of non-governmental organisations.

20. During 2017, 12 children with health problems were adopted by the citizens of the Republic of Armenia residing in the Republic of Armenia, and 29 children having the citizenship of the Republic of Armenia, including 26 children with disabilities or serious health problems — by foreign citizens.

21. For the purpose of expanding the coverage and scope of services provided to children and young people with disabilities, state support is provided to a number of organisations at the expense of the funds of the State Budget of the Republic of Armenia.

22. In particular, since 2007, the "Social rehabilitation of minors and young people with mental problems" project has been implemented by "*Prkutyun* Disabled Children and

Young People Centre" non-governmental organisation, with the co-funding from the State Budget of the Republic of Armenia. 50 beneficiaries receive services within the framework of the project. The objective of the provided services is to ensure the right of minors and young people with mental problems to live in family and their social integration through providing care and social rehabilitation services.

23. Since 2016, state support is also provided to "Liarzhek Kyank" NGO for the implementation of the "Social-psychological support to children and young people with disabilities in day-care centre" project. The objective of this project is to ensure the right of children and young people with disabilities in the community, teach them knowledge equivalent to their capacities and develop the capacities of leading an independent and autonomous life. The program is implemented in Stepanavan and provides services to 60 beneficiaries per month.

24. Since 2017, co-funding has been provided to "Im Ughin" [My Way] Social Rehabilitation Centre for the purpose of providing employment and social-psychological services to minors and young people with autism. The Centre provides services to 80 beneficiaries. The Centre provides education, psychological and social support to the beneficiaries applying the therapies and methodology approved by leading countries, vocational education with age-specific approach and by means of special programs aimed at the improvement of the life quality of people with autism, as well as their family members, acquisition of knowledge and profession of applicable nature, development of capacities of leading an independent life and being a full-fledged member of the society.

25. The aforementioned services help children and young people with disabilities develop and use their capacities, skills and abilities, contribute to their full-fledged participation in the community life and life in family, as well as prevent their entry to 24-hour day-care facilities.

26. With regard to the issue of prohibiting and criminalising all forms of violence and cruel treatment against children with disabilities, it should be mentioned that on 13 December 2017 the National Assembly of the Republic of Armenia adopted the Law of the Republic of Armenia "On prevention of domestic violence, protection of people subjected to domestic violence and restoration of solidarity in family" (effective since 31 January 2018).

27. The Law regulates the organisational and legal grounds for the prevention of domestic violence and protection of people subjected to domestic violence, including people with disabilities, defines the concept of "domestic violence", the powers of competent bodies in the field of prevention of domestic violence and protection of persons subjected to domestic violence, types of protection means, grounds for their application, peculiarities of reconciliation between persons, who were subjected to and those who used domestic violence, legal protection of information about persons subjected to domestic violence.

28. According to point 7 of Decision of the Government of the Republic of Armenia No 1324-N of 5 August 2004 "On approving the minimal state social criteria for the care and education of children in facilities engaged in care and protection of children", the bodies engaged in child care and protection shall have a register for recording suspected and confirmed cases of violence against and among children and reporting on such cases to competent authorities.

29. For the purpose of providing family care for children with disabilities, contributing to their social integration, as well as forming and disseminating positive ideas about them in the society, with the state support of the Republic of Armenia, alternative services are provided by a non-governmental organisation to 250 children who have faced difficult life situations — around 150 of which have disabilities or special educational needs — in the day-care centres in the towns of Dilijan, Ijevan, Noyemberyan and Berd of the Republic of Armenia. 24 children below the age of 6 with serious intellectual and physical impairments receive day-care and rehabilitation services in Yerevan with state support.

30. Attaching importance to the alternative care services, the Government of the Republic of Armenia approved, by the Protocol Decision No 39 of 18 September 2014, the

"Concept paper on providing social services to the elderly people in the Republic of Armenia and the 2015–2019 Action Plan-Schedule for the implementation of the Concept Paper", which envisages introduction in the Republic of new models of alternative care provision services to the elderly and people with disabilities (including, those with mental health problems), in particular, it is planned to implement the pilot project of "social helper service" in one marz (four communities of the marz) of the Republic in 2018. The social helper service will be used by people suffering from diseases, those having temporary difficulties conditioned by age and disability, who have no caregivers prescribed by the legislation but due to their condition need partial and temporary help from a third person for solving household, self-service, transportation, accompanying, communication and other issues.

31. At the same time, on 2 March 2018, the National Assembly of the Republic of Armenia adopted the Draft Law of the Republic of Armenia "On protection of rights and social integration of persons with disabilities", which prescribes the main objectives, principles and directions of the protection of the rights of people with disabilities and state policy in the sphere of social integration.

32. In particular, according to the aforementioned, the following are identified as policy principles:

(1) Exclusion of existing stereotypes and prejudices against persons with disabilities;

(2) Protection of fundamental rights and freedoms of persons with disabilities, respect for the right of persons with disabilities to honour and dignity, inviolability of private and family life;

(3) Exclusion of the isolation of persons with disabilities from the society and social integration, etc.

33. At the same time, the priority of organising the care of persons with disabilities, including children in family (de-institutionalisation of persons with disabilities) is prescribed as the main direction of state policy.

34. Moreover, according to the Draft, the state policy in the field of the protection of rights and social integration of persons with disabilities is implemented through integrated (drawn up for 5 years) and annual programmes (these programmes are drawn up considering the main objectives, principles and direction of state policy prescribed by law).

35. At the same time, the draft Law defines the concept of personal helper as a natural person, who is with the person with disability at the given period and takes care for a person with disability free of charge or for monetary remuneration or supports (helps) the person with disability in overcoming environmental obstacles or in communication.

36. According to the Draft, in the cases and according to the procedure prescribed by the Government of the Republic of Armenia, a personal helper shall, based on the assessment of the needs of a person with disability, be granted privileges, including in the form of compensation of certain expenses or monetary remuneration.

37. Following the adoption of the Draft, appropriate measures will be taken for implementing the provisions of the Law, including for introducing and improving the institution of personal helper.